

***Exhibit E***

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**CHARISSA W. and NICOLE D.**

**SUPERIOR COURT OF CALIFORNIA**  
**COUNTY OF NAPA**

**CHARISSA W. and NICOLE D.,**  
**Plaintiffs,**  
**vs.**  
**WATCHTOWER BIBLE AND TRACT SOCIETY**  
**OF NEW YORK, INC., et al.**  
**Defendants.**

**AND COORDINATED ACTIONS**

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**FILED**

**SEP 15 2006**

**Clerk of the Napa Superior Court**  
**By: J. Oliver**  
**Deputy**

**CASE NO: 26-22191**

**Judicial Council Coordination**  
**Proceeding No. 4374**

**MEMORANDUM OF POINTS AND**  
**AUTHORITIES IN SUPPORT OF**  
**MOTION TO COMPEL PMK**  
**DEPOSITION AND DOCUMENT**  
**REQUEST REGARDING THE LEGAL**  
**DEPARTMENT.**

**(DISCOVERY MOTION 3)**

**Date: October 10, 2006**  
**Time: 8:30 a.m.**  
**Dept: A**  
**Judge: Hon. Raymond A. Guadagni**

## INTRODUCTION

Plaintiffs are moving to compel the Watchtower Defendants to produce documentation and deposition testimony consistent with the PMK Notice of Taking Deposition which is currently set for October 18-19, 2006. (A copy of the Notice of Taking Deposition is attached as **Exhibit 1.**)

On November 15, 2005, Gary N. Breaux was deposed as the person most knowledgeable about, among other things, "any and all policies that the Jehovah's Witnesses organization had for handling accusations and proof of child sexual abuse from 1970 to the present." During the course of the deposition, Mr. Breaux identified certain functions that were handled by the legal department, rather than the service department in which he worked. He was unable to answer several questions about the role of the legal department in the formation and implementation of the policies in question.

## LEGAL AUTHORITY

California Code of Civil Procedure § 2025.450(a) provides that a party may move for an order "compelling the deponent's attendance and testimony, and the production for inspection of any document or tangible thing described in the deposition notice."

In addition, California Code of Civil Procedure § 2020.480(a) provides that a "party seeking discovery may move the court for an order compelling" an answer to a question or the production of a document which is under a deponent's control and is not answered or produced at the deposition.

## CATEGORIES OF TESTIMONY TO BE COMPELLED

The deposition notice in question designates matters fairly included within the scope of "any and all policies that the Jehovah's Witnesses organization had for handling accusations and proof of child sexual abuse from 1970 to the present." Specifically, it designates the following matters:

1 1. The organization, staffing and operation of the Legal Department from the date  
2 of the department's creation until the present.

3 2. The Legal Department's role in responding to and investigating allegations of  
4 child sexual abuse within the Jehovah's Witnesses organization from the date  
5 of the department's creation until the present.

6 Neither designation invades the attorney-client privilege or seeks to inquire about  
7 work product. The designations concern policies and their implementation and, but for his  
8 lack of personal knowledge, Mr. Breaux would have addressed them. (See excerpts of  
9 deposition of Gary N. Breaux attached hereto as **Exhibit 2.**)

10  
11 **TESTIMONY ABOUT PRODUCED DOCUMENTS TO BE COMPELLED**

12 At the depositions, Defendants produced many documents pursuant to a duces  
13 tecum. However, several of the documents were created and utilized by the Legal  
14 Department and, again, Mr. Breaux did not have sufficient personal knowledge to testify  
15 about those documents. (The produced documents in question would be attached hereto  
16 as **Exhibit 3** except that they may still be subject to a Stipulated Protective Order. For  
17 that reason, they will be provided to the Court at the time of the hearing.) Items 3  
18 through 5 address three of those documents:

19 3. The development and use of "Child Abuse Telememos."

20 4. Records kept by or under the direction of the Legal Department concerning  
21 allegations of child sexual abuse.

22 5. Answers to the "Survey Questions" on p.2 of the 1993 "Child Abuse Telememo,  
23 page WTNV 00570 of the exhibits to the deposition of Gary N. Breaux and J. Richard  
24 Brown, Bates numbers SR 00000094.

25 Items 3 and 5 pertain to actual documents produced at the depositions. Exemplars  
26 of the "Child Abuse Telememos" were produced and Plaintiffs are entitled to examine  
27 defendant about the development and use of those documents. The "Survey" questions  
28



1 were found on one of the "Child Abuse Telememos" and Plaintiffs seek only to learn the  
2 results of that survey.

3 Item 4 seeks only to discover, generally, information about the type of records kept  
4 by the legal department, how long such records have been kept, the number of records,  
5 etc., in order to determine whether a request for specific documents would be appropriate.  
6

7 **GOOD CAUSE JUSTIFIES THE PRODUCTION OF THE DOCUMENTS AND**  
8 **ANSWERS TO THE QUESTIONS**

9 These questions and documents go to the heart of the Plaintiffs' accusations of  
10 child sexual abuse and defendants' knowledge of that abuse. The knowledge of various  
11 individuals in the Jehovah's Witnesses organization is key to Plaintiffs' proof of their  
12 case in these matters.

13 The individual who was produced as the person most knowledgeable was unable  
14 to address various topics due to his lack of knowledge. Plaintiffs, through this motion,  
15 seek to have the Watchtower Defendants produce an individual with knowledge of the  
16 applicable topics and documents.  
17

18 **CONCLUSION**

19 Plaintiffs respectfully request that this Court find that the above discovery matters  
20 are not protected by the attorney-client privilege or the work product doctrine, and issue  
21 an order compelling the Watchtower Defendants to produce a witness or witnesses that  
22 will provide testimony in connection with the above five categories of inquiry.  
23

24 Date: September 14, 2006

Respectfully Submitted,

25 **NOLAN & ASSOCIATES**

26   
27 Rudy Nolen  
28 Attorney for Plaintiffs

**MOTION # 3**

**Memorandum of Points and Authorities in Support of Motion to Compel PMK  
Deposition and Document Request Regarding the Legal Department**

**Exhibit 1**

**Copy of Notice of Taking Deposition**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF YOLO

DANIEL WEST, SHANE PENCE, and  
AMBER PENCE

vs.

WATCHTOWER BIBLE AND TRACT  
SOCIETY OF NEW YORK, INC., et al

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Case No. CV03-1439

**NOTICE OF TAKING  
DEPOSITION**

**TO DEFENDANT WATCHTOWER BIBLE AND TRACT SOCIETY  
OF NEW YORK, INC., and ITS ATTORNEYS OF RECORD**

DATE:

TIME:

PLACE: Brooklyn, New York

WITNESS: Person(s) Most Knowledgeable regarding:

The deposition will be taken before a certified court reporter and will continue from day to day until completed. The deposition will also be videotaped. You are hereby authorized to attend and cross examine the witness.

The deposition of Defendant shall concern the matters set forth below. The Defendant is to designate a person or persons to testify as to the matters that are known or reasonably available to the corporation. The matters to be inquired about during the deposition are as follows:

1. The organization, staffing and operation of the Legal Department from the date of the department's creation until the present.
2. The legal department's role in responding to and investigating allegations of child sexual abuse within the Jehovah's Witnesses organization from the date of the department's creation until the present.
3. The development and use of "Child Abuse Telememos."
4. Records kept by or under the direction of the Legal Department concerning allegations of child sexual abuse.
5. Answers to the "Survey Questions" on p. 2 of the 1993 "Child Abuse Telememo", page WTNY 00570 of the exhibits to the depositions of Gary N. Breaux and J. Richard Brown, Bates numbers SR00000094.

This Notice of Deposition will also serve as a subpoena duces tecum and the representative(s) designated by Defendant shall bring with them to the deposition, the following items:



1. Any documents that describe the organization, staffing and operation of the Legal Department from the date of the department's creation until the present.
2. Any documents that describe the legal department's role in responding to and investigating allegations of child sexual abuse within the Jehovah's Witnesses organization from the date of the department's creation until the present.
3. Any documents that describe the records kept by or under the direction of the Legal Department concerning allegations of child sexual abuse from the date of the department's creation until the present.
4. Any documents that pertain to the "Survey Questions" on p. 2 of the 1993 "Child Abuse Telememo", page WTNY 00570 of the exhibits to the depositions of Gary N. Breaux and J. Richard Brown, Bates numbers SR00000094, including any documents that describe or tabulate the answers to such questions.
5. The actual documents that contain the answers to the Answers to the "Survey Questions" on p. 2 of the 1993 "Child Abuse Telememo", page WTNY 00570 of the exhibits to the depositions of Gary N. Breaux and J. Richard Brown, Bates numbers SR00000094.

**MOTION # 3**

**Memorandum of Points and Authorities in Support of Motion to Compel PMK  
Deposition and Document Request Regarding the Legal Department**

**Exhibit 2**

**Excerpts of Deposition of Gary N. Breaux**

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**SUBJECT TO PROTECTIVE ORDER  
ORAL DEPOSITION OF GARY N. BREAU  
November 15, 2005**

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**CONDENSED TRANSCRIPT AND CONCORDANCE  
PREPARED BY:**

**Sunbelt Reporting & Litigation Services  
(713) 667-0763 Houston  
(214) 747-0763 Dallas  
(361) 882-0763 Corpus**

**SUBJECT TO PROTECTIVE ORDER  
ORAL DEPOSITION OF GARY N. BREAU**

Page-97.

1	the congregation. Right?	11:23:38
2	A. That's right.	11:23:40
3	Q. But you've also told us that the	11:23:41
4	elders are not trained in the type of	11:23:43
5	investigative techniques that law enforcement	11:23:46
6	employs. True?	11:23:49
7	A. That's right.	11:23:50
8	Q. So my question is -- is not	11:23:51
9	directed at anybody other than the -- than the	11:23:54
10	expectation of what the elders should do. My	11:23:56
11	question is simply this: Why don't the elders,	11:23:59
12	as soon as they receive an allegation of child	11:24:03
13	sexual abuse, pick up the phone and call the	11:24:07
14	police and ask the police to come in and	11:24:10
15	investigate?	11:24:13
16	A. You're speaking of prior to '94?	11:24:13
17	Q. Yes, sir.	11:24:16
18	A. Well, it would depend -- many	11:24:17
19	states didn't require it. And the position of	11:24:20
20	the body of elders is to -- is to care for that	11:24:22
21	individual within the confines of the	11:24:24
22	congregation. But at times it did require	11:24:27
23	individuals to call the authorities.	11:24:30
24	Q. Okay.	11:24:31
25	A. And certainly the family and	11:24:32

Page 98

1	those -- those that are knowledgeable of it to	11:24:37
2	inform the authorities for extra protection.	11:24:39
3	Q. But prior to 1994, it was not	11:24:40
4	the policies -- I don't know what the policy is	11:24:42
5	after '94 and I'm not suggesting what it is	11:24:45
6	after '94. But at least up through 1994, it	11:24:48
7	was not the policy of the Jehovah's Witnesses	11:24:52
8	to have the elders pick up the phone and call	11:24:55
9	the police and have them come over and	11:24:58
10	investigate allegations of child sexual abuse	11:25:00
11	across the board, was it?	11:25:03
12	A. Well, no, it was not a policy.	11:25:04
13	but it doesn't mean that the congregation	11:25:06
14	didn't do something to protect. Certainly they	11:25:08
15	didn't encourage people not to call the	11:25:12
16	authorities.	11:25:14
17	Q. Well, one of the things that you	11:25:17
18	are designated as the person most knowledgeable	11:25:32
19	about is number 8 on the deposition notice.	11:25:35
20	I'll read it. It says, the "Person most	11:25:42
21	knowledgeable regarding any and all policies	11:25:47
22	that the Jehovah's Witness organization had for	11:25:49
23	handling accusations and proof of child sexual	11:25:52
24	abuse from 1970 to the present." Correct?	11:25:55
25	A. Yes.	11:25:59

Page 99

1	Q. Now, you've told me that you	11:25:59
2	don't know anything about these forms produced	11:26:00
3	by the legal department, including this child	11:26:08
4	abuse telememo that's Bates numbered 566. You	11:26:10
5	know nothing about that.	11:26:17
6	A. That is correct. I -- I'm not	11:26:20
7	in the legal department and I was not involved	11:26:21
8	in the preparation of this form.	11:26:23
9	Q. Okay. But one thing that you do	11:26:25
10	know, Mr. Breau, is that it has been the	11:26:30
11	policy since you first became associated with	11:26:34
12	the Jehovah's Witnesses that the first thing	11:26:36
13	that an elder is expected to do if he receives	11:26:41
14	an allegation or any information that suggests	11:26:46
15	that a child has been the victim of sexual	11:26:49
16	abuse, that elder is supposed to call the legal	11:26:53
17	department. True?	11:26:56
18	A. Yes. I think -- I think about	11:26:57
19	the middle of the 1980s that was the direction	11:26:58
20	given.	11:27:01
21	Q. Well, that's been the direction	11:27:01
22	given way before the 1980s, wasn't it? That	11:27:04
23	was the direction given as early as 1965, when	11:27:07
24	you joined the organization, wasn't it, or when	11:27:11
25	you came to Brooklyn?	11:27:14

Page 100

1	A. If there was some legal issue?	11:27:15
2	I don't even think we had a legal department	11:27:18
3	back in the sixties.	11:27:20
4	Q. Well, you have -- you have	11:27:21
5	actually produced some documents that --	11:27:22
6	THE VIDEOGRAPHER: Excuse me.	11:27:41
7	counsel. We need to change tapes.	11:27:41
8	MR. HAMPTON: Let's change the	11:27:48
9	tape. This is a good time to do it.	11:27:48
10	THE VIDEOGRAPHER: The time is	11:27:48
11	11:27 a.m. This concludes tape number one in	11:27:48
12	the deposition of Gary Breau. We're off the	11:27:57
13	record.	11:28:00
14	(A recess was taken from 11:27 a.m.	11:30:29
15	to 11:38 a.m.)	11:30:29
16	THE VIDEOGRAPHER: The time is	11:30:29
17	11:38 a.m. This is cassette two in the	11:30:33
18	deposition of Gary Breau. We're on the	11:30:37
19	record.	11:30:40
20	Q. Mr. Breau, before we took a	11:30:41
21	break, you said that you -- you said something	11:30:43
22	about you didn't know when -- or you didn't	11:30:46
23	think you had a legal department before a	11:30:50
24	certain period of time and -- I don't remember	11:30:53
25	exactly what you said. And I bring that -- I'm	11:30:54

Pages 97 to 100



**SUBJECT TO PROTECTIVE ORDER  
ORAL DEPOSITION OF GARY N. BREAUX**

Page 225

1 A. If he's moving into a 03:35:02  
2 congregation and he's served previously and 03:35:04  
3 that search has already been done, then no, 03:35:06  
4 it's -- there won't be a second search. 03:35:09  
5 Q. I'm sorry. I didn't understand 03:35:19  
6 that. Can you run that by me one more time? 03:35:21  
7 A. He's an elder in one 03:35:24  
8 congregation and now he's -- he moves to a 03:35:25  
9 different congregation, then when he moves, a 03:35:28  
10 recommendation is made and at that time he will 03:35:30  
11 be reappointed. 03:35:34  
12 Q. Well, what if he doesn't want to 03:35:36  
13 be reappointed? What if an elder in 03:35:38  
14 congregation A moves to congregation B and does 03:35:42  
15 not choose to seek appointment as an elder? 03:35:44  
16 First of all, the branch office is notified of 03:35:47  
17 that move. Correct? 03:35:51  
18 A. If he is not going to be 03:35:53  
19 recommended in the next congregation, then 03:35:55  
20 we're not notified that he's moving. 03:35:57  
21 Q. I want to make sure that we're 03:35:59  
22 on the same page. When you say "recommended," 03:36:01  
23 do you mean recommended as an elder, or 03:36:04  
24 recommended for membership in the congregation? 03:36:06  
25 A. No. As an elder or an appointed 03:36:08

Page 226

1 position. 03:36:11  
2 Q. So there's no notification if an 03:36:12  
3 elder moves from congregation A to congregation 03:36:14  
4 B unless he seeks reappointment. 03:36:17  
5 A. That's correct. To the branch 03:36:19  
6 office. 03:36:20  
7 Q. Okay. In that case, the only 03:36:21  
8 information about that elder's past that would 03:36:25  
9 be reported through Jehovah's Witness channels, 03:36:30  
10 if you will, would be in the letter of 03:36:34  
11 introduction that accompanies him to the new -- 03:36:37  
12 or that goes to the new congregation. 03:36:39  
13 A. That would be correct. 03:36:42  
14 Q. And if the individual moving 03:36:44  
15 from congregation A to congregation B were not 03:36:50  
16 an elder or a ministerial servant or a pioneer, 03:36:50  
17 there would be nothing -- there would never be 03:36:55  
18 a report to the branch office under any 03:36:56  
19 circumstances, would there? 03:37:00  
20 A. Unless there was some other 03:37:03  
21 judicial issues or questions to be raised. But 03:37:05  
22 normally not; there would not be a copy of the 03:37:07  
23 introduction letter sent to the branch when a 03:37:11  
24 person moves to another congregation. 03:37:14  
25 Q. Normally there would only be the 03:37:15

Page 227

1 introduction letter to the new congregation. 03:37:18  
2 A. That's correct. 03:37:20  
3 Q. Okay. Now, you say if there 03:37:20  
4 were judicial issues and some other things, 03:37:21  
5 there might be a report to the branch office? 03:37:23  
6 Under what circumstances would that happen? 03:37:25  
7 A. If there was some complicated 03:37:29  
8 issue that the judicial committee was having 03:37:31  
9 problems with and they needed some further 03:37:33  
10 spiritual guidance. 03:37:36  
11 Q. And that would depend on there 03:37:38  
12 being an ongoing judicial committee 03:37:40  
13 investigation at the time the individual moved. 03:37:43  
14 A. Yes, that's -- that's right. 03:37:46  
15 Q. Okay. Other than that, there 03:37:49  
16 wouldn't be a report? 03:37:50  
17 A. There would not be. 03:37:52  
18 Q. Okay. The -- this -- this 03:37:52  
19 notice asked that a person be designated who 03:38:01  
20 was most knowledgeable regarding any and all 03:38:08  
21 policies that the Jehovah's Witnesses -- 03:38:11  
22 Jehovah's Witness organization had for handling 03:38:16  
23 accusations and proof of child sexual abuse 03:38:20  
24 from 1970 to the present. Can you think of 03:38:21  
25 anything we haven't discussed that pertains to 03:38:23

Page 228

1 those policies? 03:38:25  
2 A. No, nothing comes to my mind. 03:38:30  
3 Q. All right. Similarly, you were 03:38:33  
4 designated to testify about the policies the 03:38:37  
5 Jehovah's Witness organization had for warning 03:38:44  
6 congregations and their members when a known 03:38:47  
7 child molester joined the congregation from 03:38:50  
8 1970 to the present. Can you think of anything 03:38:52  
9 that we haven't discussed that pertains to 03:38:55  
10 those policies? 03:38:57  
11 A. Nothing comes to my mind. 03:39:01  
12 Q. All right. My understanding is 03:39:04  
13 that you are not going to answer any questions 03:39:05  
14 about documents produced by the legal 03:39:10  
15 department in response to our document request, 03:39:13  
16 even if those documents pertain to policies 03:39:16  
17 that the Jehovah's Witness organization had for 03:39:21  
18 handling accusations and proof of child sexual 03:39:26  
19 abuse. Is that correct? 03:39:30  
20 MR. SCHWACK: I think that 03:39:31  
21 misstates my objections. He doesn't have 03:39:32  
22 personal knowledge about the legal forms and 03:39:32  
23 the legal department procedures, is what the 03:39:32  
24 objection was. 03:39:35  
25 Q. Well, regardless of what the 03:39:36

Pages 225 to 221



**SUBJECT TO PROTECTIVE ORDER  
ORAL DEPOSITION OF GARY N. BREAU**

Page 229

1 objection was, are you -- are you prepared to 03:39:38  
2 answer questions about the documents produced 03:39:42  
3 by the legal department and how they're used 03:39:46  
4 and their purpose? 03:39:48  
5 MR. SCHNACK: He lacks personal 03:39:50  
6 knowledge in that regard. That was the 03:39:51  
7 objection. 03:39:53  
8 MR. HAMPTON: Okay. 03:39:54  
9 MR. SCHNACK: His own testimony 03:39:54  
10 supports that. 03:39:55  
11 MR. HAMPTON: And I believe he 03:39:55  
12 was instructed not to answer as well. 03:39:56  
13 Q. Is that correct? Were you 03:39:58  
14 instructed not to answer? 03:39:59  
15 MR. SCHNACK: Well, let's -- 03:40:01  
16 let's go question by question if you want to 03:40:01  
17 pursue it, because if there are questions I'll 03:40:04  
18 allow him to answer -- just the way it's 03:40:06  
19 stated, I can't blanket say no. 03:40:13  
20 Q. My understanding is that you're 03:40:13  
21 produced here today without -- that you have no 03:40:15  
22 personal knowledge about the role of the legal 03:40:19  
23 department in carrying out, implementing the 03:40:22  
24 policies that the Jehovah's Witness 03:40:27  
25 organization has concerning accusations and 03:40:29

Page 230

1 proof of child sexual abuse. Is that true? 03:40:32  
2 MR. SCHNACK: From 1994 and 03:40:36  
3 prior. 03:40:38  
4 MR. HAMPTON: That's correct. 03:40:38  
5 Well, actually from 1990 -- 1970 to the 03:40:38  
6 present, is what the notice says. 03:40:42  
7 MR. SCHNACK: But we did object 03:40:43  
8 to the notice based on dates. 03:40:44  
9 MR. HAMPTON: Regardless. Any 03:40:46  
10 date. 03:40:48  
11 MR. SCHNACK: It's not 03:40:48  
12 regardless. 03:40:48  
13 Q. Any date. You have -- you do 03:40:49  
14 not have personal knowledge of how the legal 03:40:50  
15 department fits into this, these policies. Is 03:40:52  
16 that fair? 03:40:55  
17 MR. SCHNACK: Within the time 03:40:56  
18 frame up through '94. That's what he's here to 03:40:57  
19 testify about. 03:41:00  
20 MR. HAMPTON: Okay. 03:41:01  
21 Q. Up through '94, you don't know 03:41:02  
22 how the legal department participates in these 03:41:03  
23 policies for handling accusations and proof of 03:41:06  
24 child sexual abuse, do you? 03:41:09  
25 A. I do not know how those forms 03:41:11

Page 231

1 were used by the legal department. 03:41:13  
2 Q. You don't know how -- what the 03:41:15  
3 legal department does in participating in these 03:41:16  
4 policies, do you? 03:41:20  
5 MR. SCHNACK: With respect to 03:41:23  
6 the same time frame, go ahead and answer. 03:41:23  
7 A. No, I don't. 03:41:26  
8 Q. So we have to talk to somebody 03:41:27  
9 from the legal department about that. 03:41:29  
10 A. Yes, you would. 03:41:31  
11 Q. We'd have to talk to somebody in 03:41:32  
12 the legal department about the forms that were 03:41:33  
13 produced by the legal department that we've 03:41:35  
14 already talked about, wouldn't we? 03:41:37  
15 A. Yes, that's correct. 03:41:40  
16 Q. Okay. Have you understood all 03:41:41  
17 my questions? 03:41:42  
18 A. Yes, I have. 03:41:44  
19 MR. HAMPTON: Well I appreciate 03:41:47  
20 your time. I enjoyed meeting you and talking 03:41:48  
21 to you. 03:41:51  
22 THE WITNESS: Thank you very 03:41:53  
23 much. 03:41:53  
24 MR. SCHNACK: Let's go off the 03:41:55  
25 record for just a second. I think we're going 03:41:56

Page 232

1 to be done, but I just want to make sure. 03:41:58  
2 THE VIDEOGRAPHER: The time is 03:49:05  
3 3:41. We're off the record. 03:49:06  
4 (A recess was taken from 3:41 p.m. 03:49:06  
5 to 3:48 p.m.) We're on the record. 03:49:09  
6 EXAMINATION 03:49:09  
7 BY MR. SCHNACK: 03:49:09  
8 Q. Mr. Breau, I just have a few 03:49:10  
9 questions. 03:49:12  
10 When you were answering 03:49:12  
11 Mr. Hampton's questions there at the end about 03:49:13  
12 the legal department, your answers referred to 03:49:16  
13 the forms that were produced in connection with 03:49:19  
14 your deposition. Is that correct? 03:49:21  
15 A. That's correct. 03:49:23  
16 Q. And that you're not sure how 03:49:23  
17 those forms are specifically used in the legal 03:49:24  
18 department. Is that correct? 03:49:26  
19 A. That's correct. 03:49:27  
20 Q. Do you have a general 03:49:28  
21 understanding what the legal department does 03:49:29  
22 when elders from local congregations in the 03:49:30  
23 United States call in? 03:49:33  
24 A. Yes, I do. 03:49:34  
25 Q. Just tell us generally what your 03:49:35

Pages 229 to 231

**MOTION # 3**

**Memorandum of Points and Authorities in Support of Motion to Compel PMK  
Deposition and Document Request Regarding the Legal Department**

**Exhibit 3**

**The produced documents in question  
(copies of the Child Abuse Telememos)**

SRS000000089

**DOCUMENTS RESPONSIVE TO REQUEST NO. 4 IN PLAINTIFFS'  
FIRST AMENDED NOTICE OF TAKING DEPOSITION DUCES TECUM  
OF PERSON MOST KNOWLEDGEABLE IN "TRACK I" CASES,  
PRODUCED SUBJECT TO THE CONFIDENTIALITY AND  
NONDISCLOSURE TERMS CONTAINED IN THE "STIPULATED  
PROTECTIVE ORDER AND NONDISCLOSURE AGREEMENT  
ENTERED BY THE NAPA COUNTY (CALIFORNIA) SUPERIOR COURT  
ON OR ABOUT 06/13/2005**

SRS000000090

Legal CHILD ABUSE TELEMEMO Service \_\_\_\_\_

1. Date and time of telephone call: \_\_\_\_\_
2. Person handling call: \_\_\_\_\_
3. Name and phone number of caller: \_\_\_\_\_
4. Congregation name, city, and state of caller: \_\_\_\_\_
5. Name, age, and congregation status of offender: \_\_\_\_\_
6. Name, age, and congregation status of victim: \_\_\_\_\_
7. Briefly describe the nature and extent of abuse: \_\_\_\_\_

CONFIDENTIAL

8. When did the abuse occur? \_\_\_\_\_
9. Is victim in same home with offender? \_\_\_\_\_
10. What efforts are being made to protect victim? \_\_\_\_\_
11. Has a report been made to authorities? YES ☐ NO ☐
12. Give details of how reported: \_\_\_\_\_
13. Who else has knowledge of abuse? \_\_\_\_\_
14. Have any elders been contacted by authorities for testimony or cong. records? YES ☐ NO ☐
15. Direction given: \_\_\_\_\_

NONREPORTING ☐

The elders have no duty to report child abuse under the child abuse reporting law. Whether others who have knowledge make a report or pursue the matter legally is a personal decision. We explained the Society's policy of confidentiality and directed the elders to contact the Legal Department if they are subpoenaed. We had no legal objection to the elders handling this matter as they would say other case of serious wrongdoing. The elders should refer to the Awake! issues on child abuse (6-22-82, 1-22-85, 12-22-86, 10-1-83) in giving appropriate spiritual assistance to the family. Positive steps should be taken to prevent further abuse. The elders should monitor the situation carefully for the protection of other potential victims.

REPORTING ☐

The elders have a duty to report child abuse under the child abuse reporting law. They should speak to the offender directly and find out if he is willing to turn himself in. If he is unwilling, there may be someone else who has knowledge of the abuse who will make a report. If no one who has knowledge of the abuse is willing to make a report, two elders should make an anonymous phone report from a neutral location, such as a phone booth. They should keep a written record of who made the call, to whom it was made, the date and time of the call, and other pertinent factors. This record should then be signed by the two elders and placed in congregation files as proof that a report of child abuse was made in compliance with the law. We explained the Society's policy of confidentiality and directed the elders to contact the Legal Department if they are subpoenaed. We had no legal objection to the elders handling this matter as they would say other case of serious wrongdoing. The elders should refer to the Awake! issues on child abuse (6-22-82, 1-22-85, 12-22-86, 10-1-83) in giving appropriate spiritual assistance to the family.

16. Other direction: \_\_\_\_\_
17. Follow up required: \_\_\_\_\_

See Reverse Side ☐

1989

WTNY 00566

SRS000000092

DESK: *Legal*

*Service*

**CHILD ABUSE TELEMemo**

Date of telephone call:

Person handling call:

Name of caller:

Congregation name, city, and state of caller:

Name, age, and congregation status of offender:

Name, age, and congregation status of victim:

Briefly describe the nature and extent of abuse:

CONFIDENTIAL

Direction given:

Follow up required:

1992

WTNY 00568



SRS000000093

Legal

## CHILD ABUSE TELEMemo

Service \_\_\_\_\_

1. Date and time of telephone call: \_\_\_\_\_
2. Person handling call: \_\_\_\_\_
3. Name and phone number of caller: \_\_\_\_\_
4. Congregation name, city, and state of caller: \_\_\_\_\_
5. Name, age, and congregation status of offender: \_\_\_\_\_
6. Name, age, and congregation status of victim: \_\_\_\_\_
7. Briefly describe the nature and extent of abuse: \_\_\_\_\_

CONFIDENTIAL

8. When did the abuse occur? \_\_\_\_\_ ☐ Confessed ☐ Denied ☐ Unknown
9. Is victim in same home with offender? \_\_\_\_\_
10. What efforts are being made to protect victim? \_\_\_\_\_
11. Has a report been made to authorities? YES-☐ NO-☐
12. Give details of how reported: \_\_\_\_\_
13. Who else has knowledge of abuse? \_\_\_\_\_
14. Have any elders been contacted by authorities for testimony or cong. records? YES-☐ NO-☐
15. Direction given: \_\_\_\_\_

NONREPORTING ☐

Elders have no duty to report child abuse under the child abuse reporting law. Whether others who have knowledge make a report or pursue the matter legally is a personal decision. We explained the Society's policy of confidentiality and asked the elders to review the letter of July 1, 1989. Encourage parties not to involve the congregation if authorities investigate. Contact the Legal Department if they are subpoenaed. No legal objection to the elders handling this as any other case of serious wrongdoing. The elders should refer to the letter of March 23, 1992, and use the articles cited on child abuse in giving appropriate spiritual assistance to the family. (See also Awake/10-8-93) Treat victim with extreme thoughtfulness and kindness. Is it necessary to make the sexual abuse victim, who is still a minor, confront the accused? Positive steps should be taken to prevent further abuse. The elders should monitor the situation carefully for the protection of other potential victims.

REPORTING ☐

Elders have a duty to report child abuse under the child abuse reporting law. They should speak to the offender directly and find out if he is willing to turn himself in. If he is unwilling, there may be someone else who has knowledge of the abuse who will make a report. If no one who has knowledge of the abuse is willing to make a report, two elders should make an anonymous phone report from a neutral location, such as a phone booth. They should keep a written record of who made the call, to whom it was made, the date and time of the call, and other pertinent factors. This record should then be signed by the two elders and placed in congregation files as proof that a report of child abuse was made in compliance with the law. We explained the Society's policy of confidentiality and asked the elders to review the letter of July 1, 1989. Encourage parties not to involve the congregation if authorities investigate. Contact the Legal Department if they are subpoenaed. No legal objection to the elders handling this as any other case of serious wrongdoing. The elders should refer to the letter of March 23, 1992, and use the articles cited on child abuse in giving appropriate spiritual assistance to the family. (See also Awake/10-8-93) Treat victim with extreme thoughtfulness and kindness. Is it necessary to make the sexual abuse victim, who is still a minor, confront the accused? Positive steps should be taken to prevent further abuse. The elders should monitor the situation carefully for the protection of other potential victims.

16. Other direction: \_\_\_\_\_
17. Follow up required: \_\_\_\_\_

See Reverse Side ☐

1993

WTNY 00569

SRS000000094

18. Additional comments: \_\_\_\_\_  
\_\_\_\_\_  
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CONFIDENTIAL

**SURVEY QUESTIONS**

1. What action has been taken by the elders? \_\_\_\_\_
2. How long have the elders known of the accusation before calling Legal? \_\_\_\_\_
3. Have the elders reviewed the letter of:    Yes    No  
      July 1, 1989                                \_\_\_\_\_  
      March 23, 1992                            \_\_\_\_\_  
      February 3, 1993                        \_\_\_\_\_
4. Have previous accusations been made against the accused? \_\_\_\_\_
5. Has the child received a medical examination? \_\_\_\_\_
6. What person brought this charge to the elders? \_\_\_\_\_
7. Where did any conversations with the child occur? \_\_\_\_\_
8. Did the elders talk directly with the child? \_\_\_\_\_
9. How many elders felt that the victim was somewhat at fault or willingly participated in the acts? \_\_\_\_\_

WTNY 00570

SRS000000095

**CM PROFILE****Attorney-Client Privileged****CONFIDENTIAL****Legal:**

1. Date entered:
2. Caller's name:
3. Congregation:
4. Accused:
5. Congregation:
6. Date of Birth:
7. Did he ever serve as an elder, ministerial servant, or pioneer?
8. When did he serve? In what capacity?
9. Relationship(s) of accused to victim(s)?
10. Victim(s):
11. Congregation:
12. Who reported:
13. Relationship of reporter to victim? to accused?
14. Have elders spoken with the accused?
15. Under what circumstances?
16. Admitted to elders? Denied?
17. Briefly, the nature and extent of abuse:
18. Categorize the abuse:
19. When did abuse occur?
20. Now living in same home?
21. Other minors living in same home?
22. What efforts to protect victim(s)?
23. Reported to authorities?
24. Give details of how reported:
25. Who has knowledge of abuse?
26. Elders contacted by authorities?
27. Direction given:
28. Other direction:
29. Comments...
30. Follow-up description:
31. Follow-up date:

- Service:
- Person handling call:
- Phone number:
- City: State:
- Congregation status:
- Date of Baptism:
- Age:
- ☐ No ☐ Yes
- Congregation status:
- Age:
- When first told elders:
- ☐ No ☐ Yes
- ☐ Confessed ☐ Denied ☐ Unknown
- ☐ No ☐ Yes
- ☐ No ☐ Yes
- ☐ No ☐ Yes
- See Statutes book

1993

WTNY 00571

SRS000000096

**DOCUMENTS RESPONSIVE TO REQUEST NO. 5 IN PLAINTIFFS'  
FIRST AMENDED NOTICE OF TAKING DEPOSITION DUCES TECUM  
OF PERSON MOST KNOWLEDGEABLE IN "TRACK I" CASES,  
PRODUCED SUBJECT TO THE CONFIDENTIALITY AND  
NONDISCLOSURE TERMS CONTAINED IN THE "STIPULATED  
PROTECTIVE ORDER AND NONDISCLOSURE AGREEMENT  
ENTERED BY THE NAPA COUNTY (CALIFORNIA) SUPERIOR COURT  
ON OR ABOUT 06/13/2005**